

2022 -- H 7618

LC005013

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- DISTRICT COURT

Introduced By: Representatives McEntee, Knight, Craven, Caldwell, and Carson

Date Introduced: March 02, 2022

Referred To: House Finance

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-8 of the General Laws entitled "District Court" is hereby amended
2 by adding thereto the following section:

3 **8-8-1.2. Mental health treatment calendar.**

4 (a) Findings and declarations. The general assembly finds and declares as follows:

5 (1) Mental illness is a prevalent and persistent issue in Rhode Island within the criminal
6 population in general and the incarcerated population in particular. Approximately one-fifth (1/5)
7 of all inmates at the adult correctional institutions have a diagnosed mental illness, while nearly
8 eighty percent (80%) have a history of substance abuse. Many suffer from both maladies.

9 (2) Mental illness can often go unrecognized and untreated, leaving some individuals to
10 suffer and spiral downward until they are caught in the criminal justice system. These individuals
11 often become trapped in a cycle of repeated prosecution and incarceration.

12 (3) Individuals with mental illness who are charged with crimes can benefit from
13 alternatives to incarceration when feasible, and when permitted to obtain proper treatment for
14 persistent mental health and substance abuse disorders through a jail diversion treatment program
15 that recognizes their special set of circumstances while at the same time providing accountability
16 for their wrong-doing and providing for the safety of the public.

17 (b) The district court shall create a voluntary mental health treatment calendar to better
18 address individuals who suffer from mental illness and are charged with a misdemeanor. The
19 district court will provide the tools and skills necessary to address these individuals' unique

1 challenges thus helping them develop the insight needed to reintegrate successfully into society and
2 maintain a productive and law-abiding lifestyle within the community.

3 (c) There shall be established, funded and staffed a mental health alternative sentencing
4 and treatment calendar within the jurisdiction of the district court for hearing, addressing and
5 disposing of certain misdemeanor offenses in an effort to direct eligible defendants into a court
6 program that integrates support and treatment plans with the judicial process, potentially resulting
7 in alternatives to traditional prosecution, sentencing and incarceration; reducing the risk of
8 recidivism; realizing cost savings for the state and increasing public safety. Successful completion
9 may result in a full dismissal of charges or in reduced charges and alternative sentencing. The
10 mental health treatment calendar shall be overseen by a district court magistrate to be appointed
11 pursuant to § 8-8-16.2, subject to an appropriation made by the general assembly.

12 (d) The chief judge of the district court shall create a mental health treatment calendar in
13 the district court and shall assign a district court magistrate and associated personnel to the extent
14 necessary to hear and decide all criminal actions involving offenses committed by defendants
15 accepted into the program. [The calendar shall be called the mental health treatment calendar.]

16 (e) An eligible defendant is any person who stands charged in a district court complaint
17 with one or more misdemeanors, and:

18 (1) Suffers from a mental, behavioral or emotional disorder resulting in serious functional
19 impairment which substantially interferes with or limits one or more major life activities; and

20 (2) Is determined by the court to be appropriate for participation in the mental health
21 treatment calendar.

22 (3) An individual's history of substance and alcohol abuse may also be considered to the
23 extent necessary to make a proper diagnosis of a co-occurring disorder.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would create within the district court a dedicated calendar offering treatment and
2 sentencing alternatives to eligible defendants deemed to suffer from serious and persistent mental
3 illness.

4 This act would take effect upon passage.

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